

Effective 5/12/2015

Superseded 3/17/2016

20A-9-403 Regular primary elections.

- (1)
 - (a) Candidates for elective office that are to be filled at the next regular general election shall be nominated in a regular primary election by direct vote of the people in the manner prescribed in this section. The fourth Tuesday of June of each even-numbered year is designated as regular primary election day. Nothing in this section shall affect a candidate's ability to qualify for a regular general election's ballot as an unaffiliated candidate under Section 20A-9-501 or to participate in a regular general election as a write-in candidate under Section 20A-9-601.
 - (b) Each registered political party that chooses to have the names of its candidates for elective office featured with party affiliation on the ballot at a regular general election shall comply with the requirements of this section and shall nominate its candidates for elective office in the manner prescribed in this section.
 - (c) A filing officer may not permit an official ballot at a regular general election to be produced or used if the ballot denotes affiliation between a registered political party or any other political group and a candidate for elective office who was not nominated in the manner prescribed in this section or in Subsection 20A-9-202(4).
 - (d) Unless noted otherwise, the dates in this section refer to those that occur in each even-numbered year in which a regular general election will be held.
- (2)
 - (a) Each registered political party, in a statement filed with the lieutenant governor, shall:
 - (i) either declare their intent to participate in the next regular primary election or declare that the registered political party chooses not to have the names of its candidates for elective office featured on the ballot at the next regular general election; and
 - (ii) if the registered political party participates in the upcoming regular primary election, identify one or more registered political parties whose members may vote for the registered political party's candidates and whether or not persons identified as unaffiliated with a political party may vote for the registered political party's candidates.
 - (b)
 - (i) A registered political party that is a continuing political party must file the statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on November 15 of each odd-numbered year.
 - (ii) An organization that is seeking to become a registered political party under Section 20A-8-103 must file the statement described in Subsection (2)(a) at the time that the registered political party files the petition described in Section 20A-8-103.
- (3)
 - (a) Except as provided in Subsection (3)(e), a person who has submitted a declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective office on the regular primary ballot of the registered political party listed on the declaration of candidacy only if the person is certified by the appropriate filing officer as having submitted a set of nomination petitions that was:
 - (i) circulated and completed in accordance with Section 20A-9-405; and
 - (ii) signed by at least two percent of the registered political party's members who reside in the political division of the office that the person seeks.
 - (b) A candidate for elective office shall submit nomination petitions to the appropriate filing officer for verification and certification no later than 5 p.m. on the final day in March. Candidates may supplement their submissions at any time on or before the filing deadline.

- (c) The lieutenant governor shall determine for each elective office the total number of signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate number of persons residing in each elective office's political division who have designated a particular registered political party on their voter registration forms as of November 1 of each odd-numbered year. The lieutenant governor shall publish this determination for each elective office no later than November 15 of each odd-numbered year.
- (d) The filing officer shall:
 - (i) verify signatures on nomination petitions in a transparent and orderly manner;
 - (ii) for all qualifying candidates for elective office who submitted nomination petitions to the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on the first Monday after the third Saturday in April;
 - (iii) consider active and inactive voters eligible to sign nomination petitions;
 - (iv) consider a person who signs a nomination petition a member of a registered political party for purposes of Subsection (3)(a)(ii) if the person has designated that registered political party as the person's party membership on the person's voter registration form; and
 - (v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination petition signatures, or use statistical sampling procedures to verify submitted nomination petition signatures pursuant to rules made under Subsection (3)(f).
- (e) Notwithstanding any other provision in this Subsection (3), a candidate for lieutenant governor may appear on the regular primary ballot of a registered political party without submitting nomination petitions if the candidate files a declaration of candidacy and complies with Subsection 20A-9-202(3).
- (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the director of elections, within the Office of the Lieutenant Governor, shall make rules that:
 - (i) provide for the use of statistical sampling procedures that:
 - (A) filing officers are required to use to verify signatures under Subsection (3)(d); and
 - (B) reflect a bona fide effort to determine the validity of a candidate's entire submission, using widely recognized statistical sampling techniques; and
 - (ii) provide for the transparent, orderly, and timely submission, verification, and certification of nomination petition signatures.
- (g) The county clerk shall:
 - (i) review the declarations of candidacy filed by candidates for local boards of education to determine if more than two candidates have filed for the same seat;
 - (ii) place the names of all candidates who have filed a declaration of candidacy for a local board of education seat on the nonpartisan section of the ballot if more than two candidates have filed for the same seat; and
 - (iii) determine the order of the local board of education candidates' names on the ballot in accordance with Section 20A-6-305.
- (4)
 - (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant governor shall provide to the county clerks:
 - (i) a list of the names of all candidates for federal, constitutional, multi-county, and county offices who have received certifications under Subsection (3), along with instructions on how those names shall appear on the primary-election ballot in accordance with Section 20A-6-305; and
 - (ii) a list of unopposed candidates for elective office who have been nominated by a registered political party under Subsection (5)(c) and instruct the county clerks to exclude such candidates from the primary-election ballot.

- (b) A candidate for lieutenant governor and a candidate for governor campaigning as joint-ticket running mates shall appear jointly on the primary-election ballot.
- (c) After the county clerk receives the certified list from the lieutenant governor under Subsection (4)(a), the county clerk shall post or publish a primary election notice in substantially the following form:

"Notice is given that a primary election will be held Tuesday, June _____, _____(year), to nominate party candidates for the parties and candidates for nonpartisan local school board positions listed on the primary ballot. The polling place for voting precinct _____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.
Attest: county clerk."

- (5)
 - (a) Candidates, other than presidential candidates, receiving the highest number of votes cast for each office at the regular primary election are nominated by their registered political party for that office or are nominated as a candidate for a nonpartisan local school board position.
 - (b) If two or more candidates, other than presidential candidates, are to be elected to the office at the regular general election, those party candidates equal in number to positions to be filled who receive the highest number of votes at the regular primary election are the nominees of their party for those positions.
 - (c) A candidate who is unopposed for an elective office in the regular primary election of a registered political party is nominated by the party for that office without appearing on the primary ballot. A candidate is "unopposed" if no person other than the candidate has received a certification under Subsection (3) for the regular primary election ballot of the candidate's registered political party for a particular elective office.
- (6)
 - (a) When a tie vote occurs in any primary election for any national, state, or other office that represents more than one county, the governor, lieutenant governor, and attorney general shall, at a public meeting called by the governor and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the governor determines.
 - (b) When a tie vote occurs in any primary election for any county office, the district court judges of the district in which the county is located shall, at a public meeting called by the judges and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the judges determine.
- (7) The expense of providing all ballots, blanks, or other supplies to be used at any primary election provided for by this section, and all expenses necessarily incurred in the preparation for or the conduct of that primary election shall be paid out of the treasury of the county or state, in the same manner as for the regular general elections.
- (8) An individual may not file a declaration of candidacy for a registered political party of which the individual is not a member, except to the extent that the registered political party permits otherwise under the registered political party's bylaws.